

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	21 MC 101 (AKH)
IN RE SEPTEMBER 11 LITIGATION	:	
	:	This Document Relates to:
	:	<i>Bavis v. United Air Lines, Inc.</i>
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**REPLY DECLARATION OF SHIVA EFTEKHARI
IN SUPPORT OF THE MASSACHUSETTS PORT AUTHORITY’S REPLY
MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT**

SHIVA EFTEKHARI declares under penalty of perjury pursuant to 28 U.S.C.

§ 1746 as follows:

1. I am an attorney admitted to practice before this Court and an associate at the firm of O’Melveny & Myers LLP, counsel for Defendant The Massachusetts Port Authority (“Massport”) in the above-captioned action. I submit this declaration in support of Defendant Massport’s Motion for Summary Judgment seeking dismissal of all claims against Massport.

1. Attached to this declaration as Exhibit A is a table of contents pursuant to Individual Rule 2(b).

2. Attached to this declaration as Exhibit B is a true and correct copy of excerpts from The 9/11 Commission Report.

3. Attached to this declaration as Exhibit C is a true and correct copy of excerpts from United Air Lines’ Air Carrier Standard Security Program (“ACSSP”), as in effect on September 11, 2001, that has been produced in connection with the *In re September 11 Litigation*.

4. Attached to this declaration as Exhibit D is a true and correct copy of the expert

report of Michael K. Pilgrim.

5. Attached to this declaration as Exhibit E is a true and correct copy of excerpts from the redacted transcript of the deposition of Robert Cammaroto, taken on February 11, 2008.

6. Attached to this declaration as Exhibit F is a true and correct copy of excerpts from the transcript of the deposition of Thomas Kinton, taken on January 25, 2011.

7. Attached to this declaration as Exhibit G is a true and correct copy of excerpts of the transcript of oral arguments in 21 MC 97 regarding the Airport Operators' Motion to Dismiss, dated May 2, 2003.

8. Attached to this declaration as Exhibit H is a true and correct copy of excerpts from the transcript of the deposition of Joseph M. Lawless, taken on March 30, 2007.

9. Attached to this declaration as Exhibit I is a true and correct copy of excerpts from the transcript of the deposition of Joseph M. Lawless, taken on May 22, 2007.

10. Attached to this declaration as Exhibit J is a true and correct copy of excerpts from the transcript of the deposition of Virginia Buckingham Lowy, taken on December 15, 2006.

11. Attached to this declaration as Exhibit K is a true and correct copy of excerpts from the transcript of the deposition of Edward C. Freni, taken on January 25, 2011.

12. Attached to this declaration as Exhibit L is a true and correct copy of excerpts from the transcript of the deposition of Mark K. Hussey, taken on March 14, 2007.

13. Attached to this declaration as Exhibit M is a true and correct copy of excerpts from the transcript of the deposition of Mohamed A. Sharraf, taken on December 14, 2006.

14. Attached to this declaration as Exhibit N is a true and correct copy of excerpts from the transcript of the deposition of Mohamed A. Osman, taken on May 23, 2007.

15. Attached to this declaration as Exhibit O is a true and correct copy of the expert report of Evan F. Kohlmann.

16. Attached to this declaration as Exhibit P is a true and correct copy of excerpts of the transcript of the status conference regarding 21 MC 101 that took place on May 16, 2011.

17. Attached to this declaration as Exhibit Q is a true and correct copy of Airport Security, Volume 43, Number 250 of the Federal Register, published on December 28, 1978.

18. Attached to this declaration as Exhibit R is a true and correct copy of Airport Security, Volume 42, Number 116 of the Federal Register, published on June 16, 1977.

19. Attached to this declaration as Exhibit S is a true and correct copy of minutes from a Massport Public Safety Staff Meeting, dated January 3, 2001.

20. Attached to this declaration as Exhibit T is a true and correct copy of excerpts from the transcript of the deposition of Stephen J. Wallace, taken on July 17, 2007.

21. Attached to this declaration as Exhibit U is a true and correct copy of minutes from a Logan Airlines Management Council Meeting, dated January 10, 2001.

22. Attached to this declaration as Exhibit V is a true and correct copy of a page from the Transportation Security Administration's website regarding photography at checkpoints, downloaded on June 29, 2011.

23. Attached to this declaration as Exhibit W is a true and correct copy of excerpts from the transcript of the deposition of Lyle Malotky, taken on January 7, 2011.

24. Attached to this declaration as Exhibit X is a true and correct copy of excerpts from the transcript of the deposition of John K. Bentley, taken on July 24, 2007.

25. Attached to this declaration as Exhibit Y is a true and correct copy of excerpts from the transcript of the deposition of Charles C. Severance, taken on July 25, 2007.

26. Attached to this declaration as Exhibit Z is a true and correct copy of excerpts of the transcript of the hearing in 21 MC 97 that took place on June 14, 2007.

27. Attached to this declaration as Exhibit AA is a true and correct copy of a letter sent by Joseph Lawless to Michael Canavan, dated June 4, 2001.

28. Attached to this declaration as Exhibit BB is a true and correct copy of excerpts from the FBI's publicly released chronology of events relating to the attack on September 11, 2001.

29. Attached to this declaration as Exhibit CC is a true and correct copy of excerpts of the transcript of the hearing in 21 MC 101 that took place on December 21, 2010.

30. Attached to this declaration as Exhibit DD is a true and correct copy of excerpts from Hazardous Materials Training Requirements, Volume 70, Number 194 of the Federal Register, published on October 7, 2005.

31. Attached to this declaration as Exhibit EE is a true and correct copy of excerpts from Department Regulatory Plan and Semiannual Regulator Agenda, Volume 59, Number 218 of the Federal Register, published on November 14, 1994.

32. Attached to this declaration as Exhibit FF is a true and correct copy of excerpts from Commuter Operations and General Certification and Operations Requirements, Volume 60, Number 244 of the Federal Register, published on December 20, 1995.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 1, 2011 New York, New York.

/s/ Shiva Eftekhari

Shiva Eftekhari